

IN RE: PETITION FOR ADMINISTRATIVE \* BEFORE THE  
SPECIAL HEARING - SW/S Reisterstown  
Road, 260' NW of the CSX RR R/W \* ZONING COMMISSIONER  
(10512 Reisterstown Road)  
4th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District  
\* Case No. 99-67-SPH  
Nicolay and Nelionora Solovyousky, et al  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Special Hearing filed by the owners of the subject property, Nicolay and Nelionora Solovyousky, and Mikhail and Larisa Rudyak. The Petitioners seek approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code (B.C.C.), of the requirements of Section 26-203(c)(8) of the Code, and a finding that their proposal satisfies the requirements of Section 26-278 of the Code, as those regulations relate to the preservation of historical buildings and sites, to approve the installation of brick veneer, windows and doors on the front of the existing building. The subject property and relief sought are more particularly described on the floor plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordi-

ORDER RECEIVED FOR FILING  
Date 10/20/99  
By [Signature]

nances, and regulations. In order to afford due process, the Director has designated the Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on August 15, 1998. There has been no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. Thus the matter is eligible for review and resolution by this Hearing Officer.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code, and a floor plan of the property depicting existing and proposed improvements. A description of the property contained within the case file indicates that the property consists of 8,281 sq.ft., more or less, zoned B.L., and is improved with a commercial building which houses a liquor store. The property is located on the southwest side of Reisterstown Road near that road's intersection with the CSX Railroad right-of-way in Owings Mills and has a street address of 10512 Reisterstown Road. As shown on Page 2 of the floor plan, the Petitioners propose to add brick veneer, windows and doors to the front of the existing building. The information submitted is persuasive to a finding that the proposed improvements are consistent with the character and historic features of the existing building and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on August 13, 1998. I agree. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief

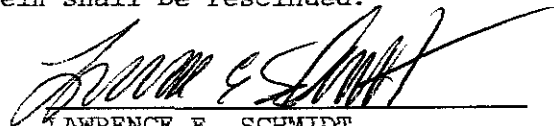
ORDER RECORDED & INDEXED  
8/16/98  
148  
BY

requested complies with the requirements of the B.C.Z.R. and should therefore be approved. In addition, a finding that this matter qualifies for an exemption from the Development Review process as codified in the Baltimore County Code is also appropriate

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October, 1998 that the Petition for Administrative Special Hearing seeking approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code (B.C.C.), of the requirements of Section 26-203(c)(8) of the Code, and a finding that the proposed improvements are consistent with Section 26-278 of the Code, as those regulations relate to the preservation of historical buildings and sites, to approve the construction of a kitchen/garage addition to the rear and side of the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

October 22, 1998

Mr. & Mrs. Nicolay Solovyousky  
1814 Ridgeway Avenue  
Lutherville, Md. 21093

Mr. & Mrs. Mikhail Rudyak  
2003 Greenspring Valley Road  
Stevenson, Md. 21153

RE: PETITION FOR SPECIAL HEARING  
SW/S Reisterstown Road, 260' NW of the CSX RR R/W  
(10512 Reisterstown Road)  
4th Election District - 3rd Councilmanic District  
Nicolay and Nelionora Solovyousky, et al - Petitioners  
Case No. 99-67-SPH

Dear Mr. & Mrs. Solovyousky & Mrs. & Mrs. Rudyak:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

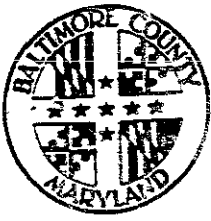
A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: People's Counsel; Case Files





# Petition for Administrative **SPECIAL HEARING**

to the Zoning Commissioner of Baltimore County

for the property located at

10512 REISTERSTOWN RD

which is presently zoned BL

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a <sup>Section</sup> administrative Approval / Special Hearing <sup>to approve a waiver</sup> pursuant to 26 -171, 26 -172 (b), BCC of Sections 26 -203 (c) (8) and Section 26 -278 to INSTALL BRICK VENEER, windows and doors on front of building

Property is to be posted and advertised as prescribed by Regulations.

I, or we, agree to pay expenses of above ~~SECTION HEARING~~ advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the regulations and restrictions of Baltimore County adopted pursuant to the Law for Baltimore County.

Contract Purchaser/Lessee:

SEE ATTACHED  
(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

SEE ATTACHED  
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

**99-67-SPH**

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 67

ORDER RECEIVED FOR FILING

Date 11/22/98

BY [Signature]

# Affidavit in support of Admin. Spec. Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently <sup>OWN</sup> reside at

10512 REISTERSTOWN RD  
address  
Owings Mills 21117  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Special Hearing at the above address:

~~TO BE STATED AT HEARING~~  
OLD BUILDING WITH VYNL SIDING AND RUN DOWN WINDOWS AND DOORS N.S.  
WILL BE REPLACED WITH BRICK FACING AND NEW APPROPRIATE WINDOWS AND DOORS L.R.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

SEE ATTACHED  
(signature)  
\_\_\_\_\_  
(type or print name)



SEE ATTACHED  
(signature)  
\_\_\_\_\_  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

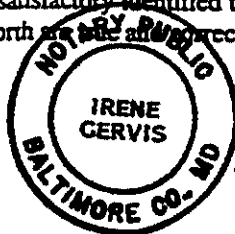
I HEREBY CERTIFY, this 7<sup>th</sup> day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SEE THE ATTACHED LIST OF OWNERS

the Affiant(s) herein, personally known or satisfactory identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/7/98  
date



Irene Cervis  
NOTARY PUBLIC

My Commission Expires: 10/2/98

H92-10-PP

# Affidavit

## In support of Admin. Spec. Hearing

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

10512 REISTERSTOWN Rd  
address

Owings Mills Md 21117  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Special Hearing at the above address:

~~REPAIR~~ old building ~~will~~  
siding - and RUN DOWN windows and doors  
will BE REPLACED with BRICK FACING and  
NEW WINDOWS and doors.

N.S  
L.R

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

SEE ATTACHED

(signature)

(type or print name)



SEE ATTACHED

(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

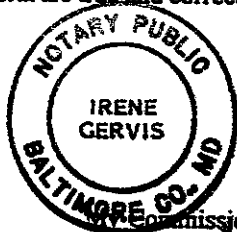
I HEREBY CERTIFY, this 7<sup>th</sup> day of August, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SEE ATTACHED LIST OF OWNERS

the Affiant(s) herein, personally known or satisfactory identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/7/98  
date



NOTARY PUBLIC

Commission Expires:

10/2/98

H92-52-PP



# Petition for Administrative SPECIAL HEARING

to the Zoning Commissioner of Baltimore County

for the property located at

10512 REISTERSTOWN RD

which is presently zoned

BL

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a n administrative Approval / Special Hearing pursuant to 26 -171, 26 -172 (b), BCC of Sections 26 -203 (c) (8) and Section 26 -278 to Install BRICK VENEER, WINDOWS and doors ON FRONT of building.

Property is to be posted and advertised as prescribed by Regulations.

I, or we, agree to pay expenses of above ~~SEEN HEARING~~ advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the regulations and restrictions of Baltimore County adopted pursuant to the Law for Baltimore County.

Contract Purchaser/Lessee

SEE ATTACHED  
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

We do solemnly declare and affirm under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

SEE ATTACHED  
(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode  
Name, Address and phone number of representative to be contacted

Name

Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**99-67-SPH**



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on Recycled Paper

Zoning Commissioner of Baltimore County

ITEM #: 67



OWNERS of 10512 REISTETOWN.  
Owings Mills MD 21117

Nikolay Solovyovskiy

1814 Ridgeway ave  
Lutherville MD 21043

N. Sol

NELIONORA Solovyovskiy

— " —

N. Sol

Mikhail Rudyak

2003 Greenspring Valley  
Rd Stevenson MD 21153

M. Rudyak

Larisa Rudyak

— " —

L. Rudyak

T. 410-654-8660



Sworn and Subscribed before me, in my presence, this 7<sup>th</sup>  
day of August, 1998, a Maryland Notary Public, in and  
for Baltimore County, Irene Gervis  
Notary Public  
My Commission expires 10/3 1998.

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION  
10512 REISTERSTOWN RD  
(FOR ZONING PURPOSES ONLY.)

BEGINNING

AT THE SOUTH WEST SIDE OF REISTERSTOWN RD. 260 FT. NORTH  
WEST OF ~~THE~~ REISTERSTOWN RD AND THE CSX RAILROAD CENTERLINE  
INTERSECTION; THENCE ~~NORTH~~ SOUTH WESTERLY 169 FT, SOUTH EASTERLY  
48 FT, NORTH EASTERLY 169 FT. THENCE NORTH EASTERLY 49 FT. TO  
THE POINT OF BEGINNING CONTAINING 8281 SQUARE FT  $\pm$  OR .190 AC  $\pm$   
IN THE 4TH ED., 3RD. C.D.

I ACCEPT <sup>RESPONSIBILITY</sup> FOR THE ACCURACY OF ALL  
INFORMATION ACCOMPANYING THIS  
PETITION, AS DRAWN AND OTHERWISE  
PROVIDED BY BALTIMORE COUNTY.

M Sol

08.07.98

NELIONORA SOLOVYOUSKY

99-67-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: \_\_\_\_\_

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

H92-52-PP

BALTIMORE COUNTY, MARYL.  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

JLL # 67 No. 056117

DATE 8/7/98 ACCOUNT ROC16150

AMOUNT \$ 250.00

RECEIVED FROM: SOLOVYOVSKY

FOR: FILIAL-ADMIN SPH (ADM RES.)

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
8/10/1998 8/07/1998 15:46:23

REC NO. CASHIER LSNL LXS CASHIER

MISCELLANEOUS CASH RECEIPT

Receipt # 069984

CR. NO. 05/117

250.00 CHECK

Baltimore County, Maryland

99-67-SPH

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 99-67-SPH

Petitioner/Developer: \_\_\_\_\_

SOLOVYOSKY/RUDYAK

Date of Hearing/Closing: 8/31/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

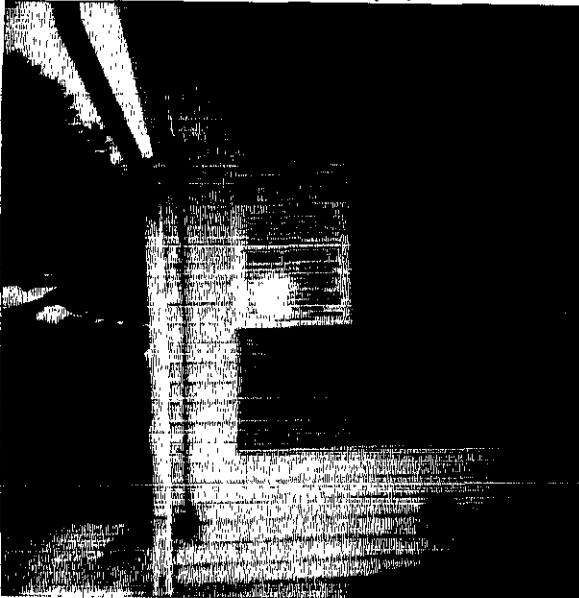
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at \_\_\_\_\_

10512 REISTERSTOWN RD.

The sign(s) were posted on 8/15/98  
(Month, Day, Year)

CASE 99-67-SPH



Sincerely,

Richard E. Hoffman 8/16/98  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

FALLSTON, MD. 21047  
(City, State, Zip Code)

(410) 879-3122  
(Telephone Number)

10512 REISTERSTOWN RD

POSTED 8/15/98

Richard E. Hoffman 8/15/98

RE: PETITION FOR SPECIAL HEARING  
10512 Reisterstown Road, SW/S Reisterstown Rd,  
260' N of CSX Railroad Line, 4th Election District,  
3rd Councilmanic

Legal Owners: Nikolay & Nelionora Solovyovsky,  
Michail & Larisa Rudyak

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-67-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of Sept. ~~August~~, 1998, a copy of the foregoing Entry of Appearance was mailed to Nikolay & Nelionora Solovyovsky, 1814 Ridgeway Avenue, Lutherville, MD 21093, and to Michail & Larisa Rudyak, 2003 Greenspring Valley Road, Stevenson, MD 21153, Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

**ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES**

Case Number 99- 67 -SPH Address 10512 REISTERSTOWN ROAD.  
Contact Person: JOHN LEWIS Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 8/7/98 Posting Date: 8/16/98 Closing Date: 8/31/98

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE SPECIAL HEARING SIGN FORMAT**

Case Number 99- 67 -SPH Address 10512 REISTERSTOWN RD.  
Petitioner's Name SOLOVYOSKY / RUDYAK. Telephone 410 654 8660 w.  
" " 560 1933 H.  
Posting Date: 8/16/98 Closing Date: 8/31/98  
Wording for Sign: Administrative Special Hearing to approve ~~NOT~~ A WAIVER PURSUANT  
TO SECTIONS 26-171, 26-172(b), BCC OF SECTIONS 26-203(c)(8) AND SECTION  
26-278 TO INSTALL BRICK VENEER, WINDOWS AND DOORS ON THE FRONT OF  
THE BUILDING.

WCR - 7/20/98

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 67  
Petitioner: N. Solovyovsky / L. Rudyak  
Address or Location: 10512 REISTERSTOWN RD

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: N. Solovyovsky  
Address: 1814 Ridgeway ave  
Lutherville, Md 21093  
Telephone Number: 410 - 560 - 1933 H.

Revised 2/20/98 - SCJ

**99-67-SPH**



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director, Dept. of  
Permits and Development Management

**DATE:** August 24, 1998

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 10512 Reisterstown Road

### INFORMATION

Item Number: 67  
Petitioner: Nicolay and Nelionora Solovyousky  
Zoning: BL  
Requested Action: Special Hearing

**COMMENTS ON PROCEDURE** - One of the two petitions requests "an administrative Approval/Special Hearing pursuant to Sections 26-171, 26-172 (b), BCC of Sections 26-203 (c)(8) and 26-278...." The first reference is ambiguously stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2, subject to a finding of eligibility.
2. Subsection 26-172 (b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172 (a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172 (b) unnecessary.
3. Subsection 26-203 (c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172 (b) waiver), the matter is moot. Even if a development plan is somehow required, this waiver

MEMO TO: Arnold Jablon  
SUBJECT: 10512 Reisterstown Rd.  
DATE: August 24, 1998  
Page Two

would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

**RECOMMENDATIONS ON PROCEDURE** - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec. 26-171) and (b) to achieve one of two alternatives, either:

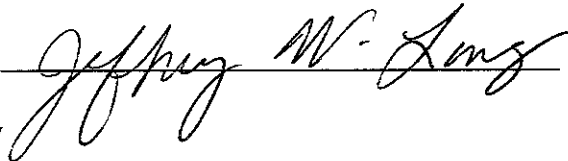
1. A ruling that, on its merits, the proposed construction of the addition does comply with intent of the "must be preserved" requirement in Section 26-278; or
2. Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a) (1) or (2).

**RECOMMENDATIONS ON THE DEVELOPMENT** - The commercial building located at 10512 Reisterstown Road was added to the Maryland Historical Trust Inventory in 1973 as BA # 658 and referenced as the "J & D Discount Liquor Store."

At its August 13, 1998 meeting, the Landmarks Preservation Commission agreed unanimously to recommend that the Hearing Officer's Finding and Conclusion of Law should be that the proposed renovations are consistent with the requirements of Section 26-278 and should be approved. The Office of Planning recommends that the Hearing Officer should also confirm the project's eligibility for a limited exemption.

Section Chief:

AFK/JL/KA/jw



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug 21, 98

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: Aug 17, 1998

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 55 61  
56 65  
57  
58  
59  
62  
64  
66  
67

RBS:sp

BRUCE2/DEPRM/TXTSBP

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:            Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   August 21, 1998

FROM:   *RWB* Robert W. Bowling, Chief  
              Development Plans Review Division

SUBJECT:   Zoning Advisory Committee Meeting  
              for August 24, 1998  
              Item Nos. 057, 059, 060, 062, 063,  
              064, 065, 066, and (067)

Revised plans (with no review) for  
Case #99-24-SPHXA  
(6350 Frederick Road)

The Development Plans Review Division has reviewed the subject  
zoning items, and we have no comments.

RWB:HJO:jrb

cc:   File



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

August 17, 1998

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 067 (JLL)  
Special Hearing  
10512 Reisterstown Rd

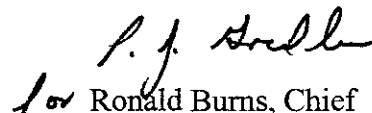
Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the waiver request.

However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the required roadway improvements conditioned to their permit.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

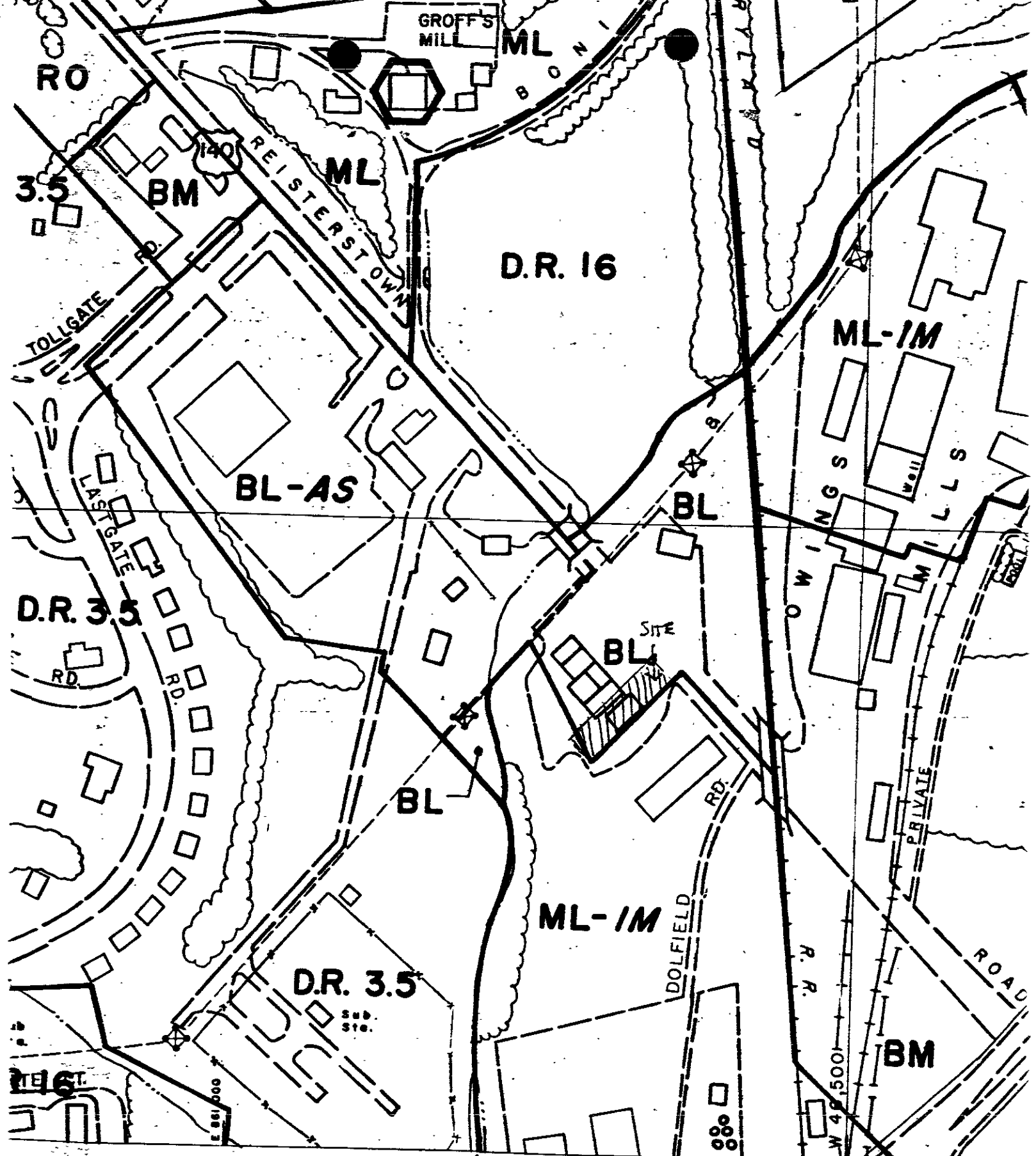
  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**



NW 12 H  
 SW T-SE  
 1" = 200'  
 SPECIAL HEARING SITE  
 PLAN  
 HAS BEEN REVISED IN SELECTED AREAS.

1996 COMPREHENSIVE ZONING MAP  
 ADOPTED by  
 THE BALTIMORE COUNTY COUNCIL  
 OCTOBER 8, 1996  
 Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 1  
*Kerim Kamenev*

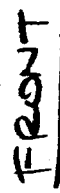


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6751

SPECIAL HEARING PLAN  
99-67-SPH


$$1/4'' = 1/8''$$



